M.R.O. 14—18,000—27-9-54.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 422 Press ~~Mis~~

118—119

Dated 11—3—~~19~~ 1864

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 11th March 1864.

No. 118. Read the following Proceedings of the Madras Government in the Financial Department:—

Forwarding a form of Security Bond to be executed by the servants of the Cannanore Pay Office furnished by the Government Pleader. } (Here enter 29th February 1864, No. 138.)

No. 119. ORDER THEREON, 11th March 1864, No. 422.

1. Ordered to be communicated to the Board of Revenue for their information and for communication to the Collector of Malabar.

2. The Board will issue instructions for the adoption of the form submitted by the Government Pleader in cases to which it may be applicable.

(True Extract.)

(Signed) C. G. MASTER,
Deputy Secretary to Government.

To the Board of Revenue, with Proceedings Financial Department, No. 138 and form.

Exd. S. T. Augustin.

FINANCIAL DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following papers :—

From G. A. BALLARD, Esq., Collector of Malabar; to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Calicut, 5th October 1863, No. 110.

Dated 25th September 1863, No. 1769, Revenue Department. Paragraph 6.

As directed in the Order of Government noted in the margin, I have the honor to submit a copy of one of the Security Bonds referred to in my letter to the Board of Revenue, dated 10th September 1863.

Transferred to the Financial Department.

(Signed) J. D. SIM,
Secretary to Government.

14th October 1863.

Referred, with the previous papers on the subject, to the Government Pleader for his opinion as to whether, under the terms of the Security Bond (a copy of which is furnished by the Collector of Malabar), the securities of the servants attached to the Pay office at Cannanore are liable to make good the deficiency discovered in the Civil cash chest at that station.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

FORT SAINT GEORGE,
29th October 1863.

From C. DALE, Esq., Government Pleader, Madras; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, dated Madras, 2nd November 1863, No. 132.

29th October 1863, Financial Department.

I have the honor to acknowledge the receipt of the Proceedings of Government, under the date noted in the margin, and to state for the information of the Honorable the Governor in Council that in my opinion the securities of the servants attached to the Pay office at Cannanore are not, under the document submitted to me, liable to make good the deficiency discovered in the Civil cash chest at that station.

2. If the deficiency had been proved to have been caused by the servants attached to the Pay office, their sureties would have been liable; and under an instrument properly framed, a judgment might have been obtained against them.

3. If, however, the sureties had been liable, there would have been great difficulty in proceeding against them under the instrument submitted to me, arising from defective preparation.

4. I return the order with the papers which accompanied.

The Government Pleader will be good enough to furnish a form of Security Bond to be executed by the servants of the Pay office.

(Signed) A. J. ARBUTHNOT,
Chief Secretary to Government.

5th December 1863.

From C. DALE, Esq., Government Pleader, Madras; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 20th February 1864, No. 41.

5th December 1863, Financial Department.

I do myself the honor of acknowledging the receipt of the Order of Government, under the date noted in the margin, and as therein requested to enclose a form of Bond. I have added marginal notes giving full directions for the guidance of the parties entrusted with procuring the execution of the Bond.

2. I am under the impression that Government are in possession of forms of Bonds suitable for the purpose for which this form has been asked, having understood that in 1855 or 1856, the Company's Solicitor was directed to prepare forms of Contracts to be used on behalf of Government, as also of Bonds to be taken from public servants giving security.

3. In references made to me on the subject of Contracts entered into on behalf of Government, I certainly have not seen one in a form which could have been prepared by a professional man.

4. I have prepared this form rather than entail on Government the trouble of a further reference; but having done so, I trust I may be excused for submitting, for the consideration of the Honorable the Governor in Council, that the preparation of this form was a duty properly devolving on the Government Solicitor. Most assuredly it is not a duty which could be expected to be performed by a Vakeel; indeed, I do not suppose there is a Vakeel in this Presidency excepting those who, from their position as Barristers and Attorneys, have been permitted to practice as Vakeels, who could prepare documents of that description; and it is equally clear that it does not constitute part of the professional duties of a Barrister to draw such documents. It is the proper province of the Attorney or Notary to draw Deeds. It is, however, usual in cases of difficulty, or where great responsibility attaches, for the drafts to be laid by the Attorney before a Barrister to settle. In the preparation of such a document as that now forwarded, there could be no necessity for obtaining the assistance of counsel; nor is this a document which would apply exclusively to the Mofussil. It is an instrument which would be equally applicable to every office at Madras itself. Moreover, when I was Company's Solicitor, I prepared all Deeds of that description required for the use of Government.

5. I return the Order noted above.

ORDER THEREON, 29th February 1864, No. 138.

Ordered that the form of Bond received with the foregoing letter be forwarded to the Revenue Department, with reference to paragraph 2 of the Proceedings in that Department, dated 25th September last, No. 1769, and to the subsequent correspondence* noted in the margin.

2. References of the nature adverted to in his letter will in future be made to the Government Solicitor.

(True Extract.)

G. J. Cumming
Chief Secretary.

* From Collector of Malabar, 5th October 1863, No. 110, and Order thereon, 20th idem.
From Government Pleader, 2nd November 1863, No. 132, and Order thereon, 5th December 1863.

To the Revenue Department, with the Form. ✓
" Government Pleader.

Exd. J. Tulloch.

10 Spare copies

25 September 1863 No 387
388

Revenue Dept. Cloth
Bo. of Gov. Cornelland
No. 576.

Proceedings of the
Government Gent. in the
Financial Department

Dated 29th May.
Recd. 2nd. June 1863.

No. 1388

From Acting Secy.
to Govt. of Bombay
Rev. Dept.

Forwarding for
the Council Board's consi-
deration Copy of Correspon-
dence with the Collector
of Kaira & Govt. Resolu-
tion thereon.

With enclosures

No. 1184 to 119.

No. 1122.

Ordered to be com-
municated to the Board
of Revenue for their in-form
-ation and for communication
to the Collector of Malabar.
The Board will
require instructions for the
adoption of the form sub-
-mitted by the Govt. Pleader
annexed to which it may
be applicable.

From Lt. Govr.
H. Bruce Esqr.
Stephen Lushington Esqr. Robertson
to H. Conn 1388 Framing Docket H. Francis